

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

YAN YAN,	:	
	:	Case No. 4:CV-10-00212
Plaintiff	:	
	:	
v.	:	(Judge McClure)
	:	
PENN STATE UNIVERSITY,	:	
ZHI-CHUN LAI and	:	
LI-LUN HO,	:	
	:	
Defendants.	:	

ORDER
May 25, 2010

BACKGROUND

On January 26, 2010, plaintiff, Yan Yan, commenced the instant action by the filing of a civil complaint against Penn State University, Zhi-Chun Lai and Li-Lun Ho. (Rec. Doc. No. 1).

On March 29, 2010, defendants filed a Motion to Dismiss Partially Plaintiff's Complaint. (Rec. Doc. No. 8). On April 12, 2010, defendants filed their supporting brief. (Rec. Doc. No. 9).

On April 26, 2010, plaintiff filed a Motion to Amend the Complaint. (Rec. Doc. No. 10). Plaintiff's motion did not comply with the Federal Rules of Civil Procedure or the Middle District Local Rules. As a result, we issued an order

directing plaintiff to comply with the rules. (Rec. Doc. No. 12). On May 12, 2010, plaintiff filed an Unopposed Motion to File Amended Complaint. (Rec. Doc. No. 14).

We will deny plaintiff's improperly filed motion. (Rec. Doc. No. 10). We will grant plaintiff's properly filed motion pursuant to Federal Rule of Civil Procedure 15. (Rec. Doc. No. 14). We will accept what is already docketed on the record as plaintiff's amended complaint. (Rec. Doc. No. 11). This will moot defendants' motion to dismiss. (Rec. Doc. No. 8). As a result, we will deny defendants' motion without prejudice.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Plaintiff's First Motion to Amend/Correct Complaint is DENIED. (Rec. Doc. No. 10).
2. Plaintiff's Unopposed Motion to File Amended Complaint is GRANTED. (Rec. Doc. No. 14).
3. Defendants' Motion to Dismiss Partially Plaintiff's Complaint is DENIED without prejudice as moot. (Rec. Doc. No. 8).

s/James F. McClure, Jr.
James F. McClure, Jr.
United States District Judge